

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ZAID NASSAR,

Plaintiff

v.

C-1-10-31

BUTLER COUNTY JAIL, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 28), plaintiff's document entitled "Notice of Appeal" to the United States District Court (doc. no. 30), plaintiff's document entitled "Opposition to Defendants' Motion for Summary Judgment" (doc. no. 33) and defendants' response (doc. no. 36). The Magistrate Judge concluded that based on the evidence presented, defendant's Motion for Summary Judgment (doc. no. 20) should be granted.

Plaintiff opposes to the Judge's Report and Recommendation on the grounds that her findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's opposition, the Court finds that plaintiff's arguments have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 28). Defendants' Motion for Summary Judgment (doc. no. 20) is GRANTED.

For all of the above reasons, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith. *See, McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). The Court therefore DENIES plaintiff leave to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court